



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7**

11201 Renner Boulevard
Lenexa, Kansas 66219

NOV 19 2015

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article Number: 7014 1200 0000 6123 9934

Mr. Larry Collings
Owner
Southside Repair, LLC
809 South 21st Street
Lincoln, Nebraska 68510

RE: Southside Repair, LLC
Lincoln, Nebraska

Dear Mr. Collings:

Letter of Warning/Request for Information

On October 29, 2013, a representative of the U.S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report, and your November 12, 2013, response to the Notice of Violation (NOV) and determined that violations of RCRA were documented. On January 17, 2014, and May 4, 2015, the EPA sent your facility Letters of Warning/Requests for Information. The EPA has received and reviewed your February 14, 2014, and June 15, 2015, responses to the EPA's Letters of Warning/Requests for Information. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Ms. Deborah Bredehoft, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Ms. Bredehoft, of my staff, at (913) 551-7164.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Donald Toensing', is written over a faint, mirrored stamp of the signature.

Donald Toensing,
Chief

Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures

cc: Mr. Jeff Edwards, Nebraska Department of Environmental Quality

List of Violations
Southside Repair, LLC
Lincoln, Nebraska

1. Title 128-Nebraska Hazardous Waste Regulations (Title 128), Ch. 4, 002 incorporating Title 40 Code of Federal Regulations (40 CFR) 262.11 – Failure to conduct hazardous waste determinations on the following:
 - a. cloth rags, disposable wipes, and gloves;
 - b. stripper contaminated pads and residue;
 - c. other contaminated pads;
 - d. spent lacquer thinner liquid;
 - e. * empty aerosol cans;
 - f. * spent lamps;
 - g. old refinishing materials:
 - i. 15, 1-gallon cans;
 - ii. 15 to 20, 1-quart cans; and
 - iii. 3 to 5, 8-ounce cans.

*The above-listed violation was adequately addressed through previous correspondence.

List of Requested Information
Southside Repair, LLC
Lincoln, Nebraska

Based on Southside Repair's June 15, 2015, correspondence, Southside Repair has ceased the practice of refinishing and stripping work. Southside Repair is now only completing repair work. Based on these statements, the EPA is seeking to understand the wastes that are currently being generated and the wastes that are no longer being generated. In addition, for each of these wastes, the EPA is looking to ensure that an adequate hazardous waste determination has been completed and that the waste is appropriately managed and ultimately disposed.

1. With regard to Violation Number 1.a., based on the information previously provided, Southside Repair has generated contaminated gloves, rags, and paper towels by used the following chemicals:
 - a. with the Cloth Rags:
 - i. Mohawk Chemicals:
 1. Blended Powder Stain Raw Sienna
 2. Duracoat Precatalyzed Lacquer Seal
 3. Pre-Catalyzed Lacquer Sanding Sealer Aeros
 - ii. Wil Pro M405-2006
 - iii. Liq Wool Lub M720-136
 - iv. Pre Cat Clear
 - b. with the Paper Towels:
 - i. 409 Cleaner
 - ii. Xylol
 - iii. Various Sherwin Williams Sher Wood BAC Wiping Stains

Based on the above-listed information for the chemicals, please provide the following information:

- a. based on your statements that Southside Repair is no longer performing stripping and refinishing work, you indicated that you no longer use Pre Cat Clean and Xylol. Please provide the following:
 - i. confirm that Southside Repair has ceased the use of Pre Cat Clean and Xylol;
 - ii. the date that Southside Repair ceased using Pre Cat Clean and Xylol;
- b. state whether Southside Repair has ceased using any of the other above listed chemicals;
- c. if you facility has ceased using any of the other above-listed chemicals, please provide the following:
 - i. the name of the above-listed chemical;
 - ii. the date that Southside Repair ceased using the above-listed chemical;
- d. Southside Repair provided a number of material safety data sheets (MSDS). Based on the information provided, it appears that Duracoat Precatalyzed Lacquer Seal, Pre-Catalyzed Lacquer Sanding Sealer Aeros, Wil Pro M405-2006, and Various Sherwin Williams Sher Wood BAC Wiping Stains, as well as potentially others, could be hazardous wastes. Please state the steps that Southside Repair takes to ensure that the chemicals that are potentially hazardous waste are correctly determined to be hazardous wastes and managed appropriately while at your facility;
- e. state which of these chemicals (either by itself or when used with a rag, paper towel, or glove) is placed in your 30-gallon container that is taken to the Lincoln-Lancaster County Health Department for their small business program for disposal; and
- f. provide copies of any documents (e.g., receipts, manifests, lab packing lists, etc.) provided by the Lincoln-Lancaster County Health Department as part of their small business program for disposal purposes since October 29, 2013.

2. With regard to Violation Number 1.b., as previously stated in your June 15, 2015, letter, Southside Repair is no longer performing stripping or refinishing work. Please state:
 - a. if Southside Repair continues to only complete repair work (e.g., Southside Repair is no longer completing stripping and refinishing work); and
 - b. state if Southside Repair still generates stripper contaminated pads and residues in any form.
3. With regard to Violation Number 1.c., as stated in your June 15, 2015, letter, Southside Repair no longer completing stripping and refinishing work, which utilized stripper, wool wax, and 409. You further stated that Southside Repair is now only using the pads with 409. Please provide the following information:
 - a. state if any additional chemicals beyond 409 are used on the pads since June 15, 2015;
 - b. if any additional chemicals beyond 409 are being used on the pads, please provide the following:
 - i. the name of the chemical;
 - ii. the material safety data sheet for the chemical;
 - iii. the amount of the material used with each pad; and
 - iv. state how the pad/chemical combination is disposed.
4. With regard to Violation Number 1.d., your June 15, 2015, letter stated that Southside Repair has ceased stripping and spraying. Please state:
 - a. whether Southside Repair currently utilizes the spray gun (previously used to spray lacquer coating);
 - b. if you facility currently uses the spray gun, please state:
 - i. what chemicals are sprayed through the gun;
 - ii. how the gun is cleaned; and
 - iii. if any chemicals are used to clean the gun, please provide the MSDS for each chemical.
5. With regard to Violation Number 1.g., the EPA provided you with the following list:
 - 1 gallon - Morr-O-Thane Polyurethane Glass – 1/3 full – dried up
 - 1 gallon - Sherwin Williams Latex Chesnut Color – 1/8 full – dried up
 - 1 gallon – Sophir Morris Satin 1005 Acrylic Latex House Paint – Dried Up – Lump in bottom
 - 1 gallon – Sophir Morris Satin – plus Interior Latex – Dried Up – lump in bottom
 - 1 quart – PPG Pittsburgh Paint Satinhide Lo Luster Latex Enamel – Dried up in a ball
 - 1 quart – Colony Latex Gloss Enamel – Dried up in a ball
 - 1 quart – Do-it Best Latex flat wall paint – Dried up in a ball

Within your previous responses, you have stated that the containers of Sherwin Williams Latex Chesnut Color, Sophir Morris Satin 1005 Acrylic Latex House Paint, and Sophir Morris Satin plus Interior Latex were previously disposed and that "Deborah" told you that you could dispose of one can per month.

Please provide the following information:

- a. state if "Deborah" refers to Deborah Bredehoft, of my staff, or to someone else;
- b. if "Deborah" refers to Deborah Bredehoft, of my staff, please state when she told you that you could dispose of one can per month;
- c. if "Deborah" works somewhere else, please provide where Deborah works;
- d. state if these containers were disposed in the general trash or if they were also taken to the Lincoln-Lancaster County Health Department; and
- e. provide the MSDS for each of these containers that has been disposed.

3007 RESPONSE INSTRUCTIONS

- * Identify the Person(s) responding to this request on your behalf.
- * Address each numbered item separately, and precede each answer with the number of the item to which it responds.
- * For each numbered item, identify all documents consulted, examined, or referred to in the preparation of the answer, or that contain information responsive to the requested item. Provide true, accurate, and legible copies of all such documents. (If information responsive to an item is available but there are no relevant source documents, you must still provide the information.)
- * For each document provided, indicate on the document (or in some similar manner) the number of the item to which it responds.
- * For each numbered item, identify all persons consulted in the preparation of the answer.
- * For purposes of this request, the term "you" or "your" refers to the company, corporation and any officer, principal, agent employee, or any other person(s) associated in any capacity.
- * If information responsive to a requested item is not in your possession, identify the person(s) from whom the information may be obtained.
- * If information that is not known or available at the time you make your response later becomes known or available to you, you must supplement your response.
- * If, at any time after you submit your response, you find that any part of the information you submitted is incomplete, false, or misrepresents the truth, you must notify the EPA immediately.
- * You must provide the requested information even though you consider it confidential information or trade secrets. If you want to make a confidentiality claim covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential."
- * The EPA will disclose this information only to the extent and by the means described in 40 CFR Part 2, Subpart B., provided that it qualifies as confidential business information.
- * A request for an extension to the time limit for responding must be in writing and must be postmarked within five (5) calendar days of receipt of this information request. Address it to the person identified in the cover letter to receive your response.
- * Copies of the Code of Federal Regulations may be obtained from the U.S. Government Bookstores or on the Internet at www.epa.gov/epahome/cfr40.htm.
- * This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980.
- * The EPA encourages you to conserve resources. Suggested methods include use of recycled paper, printing on both sides (duplex printing), and when possible submitting documents electronically (i.e., email or compact discs). If hard copy submittals are necessary, please do not submit documents in binders.

Not responding to this information request within the stated time limit and in accordance with these instructions may subject your facility to an enforcement action which could include the imposition of penalties of up to \$37,500 per violation, per day of continued noncompliance. Providing false, fictitious, or fraudulent statements or representations could lead to criminal penalties.